

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN - 7 2011
By: JAMES N. HATTEN, Clerk
Deputy Clerk

UNITED STATES OF AMERICA)

v.)

THOMAS JUSTIN HENRY,)

Defendant.)

CRIMINAL ACTION FILE

NO. 1:09-cr-522-1-TCB

ORDER

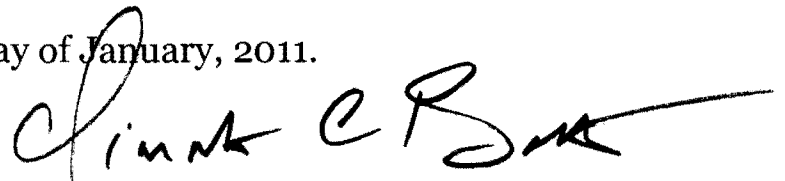
This matter is before the Court on Defendant's objections [90] to Magistrate Judge Gerrilyn G. Brill's December 7, 2010 Report and Recommendation ("R&R") [85].

After conducting a careful and complete review of a magistrate judge's findings and recommendations, a district judge may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The district judge

must “give fresh consideration to those issues to which specific objection has been made by a party.” *Jeffrey S. v. State Bd. of Educ. of Ga.*, 896 F.2d 507, 512 (11th Cir. 1990). Those portions of a report and recommendation to which an objection is not asserted are reviewed for plain error. *United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983).

The Court has conducted a careful review of Judge Brill’s R&R and Defendant’s objections thereto. Having done so, the Court finds that Judge Brill’s factual and legal conclusions are correct and that Defendant’s objections are without merit. Accordingly, the Court ADOPTS AS ITS ORDER Judge Brill’s R&R [85].

IT IS SO ORDERED this 6th day of January, 2011.

A handwritten signature in black ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge